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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

SEYE, ABDOU K

ART UNIT

PAPER NUMBER

2194

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/828,402	Applicant(s) SHERWANI, ADIL A.	
	Examiner Abdou Karim Seye	Art Unit 2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/14/2008, 5/13/2008, 02/28/2008, 05/27/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-37 are currently pending in this application.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter that the applicant regards as his invention.

3. Claims 6-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. The following claims language is unclear and indefinite:

4. As per claims 6-12, there is an insufficient antecedent basis for the claimed element “the streaming media” it’s unclear what “streaming media” the applicant is referring to.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requirements of this title.

Art Unit: 2194

6. Claims 27-32 are rejected under 101 as being non statutory because the claimed system in the preamble is software per se, as they are not tangibly embodied or include any recite hardware as part of the system. In claims 27, this claim recites "a plurality of media; one or more applications; and an infrastructure layer", but these limitations are described as being software alone. Specially, it is stated in the specification (see specification paragraph 29, lines 1-3) for example that the system is implemented in software. As such, it is believed that the system of claims 27-32 are reasonably interpreted as software per se, failing to be tangibly embodied or include any recite hardware as part of the system.

7. As to claims 33-37, they are rejected for the same reasons as claims 27-32 above.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-37 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Risan et al (U.S 20050172309) in view of Jennings et al (US 20020099842).

10. As to claims 1,13, 14,19-20, 27 and 33, Risan teaches the invention substantially as claimed including a method, system and product comprising:

listening at an application programming interface for a notification indicating that a change is to be made in a topology of streaming media software components (abstract; FIG. 3: 304; FIG. 4; paragraph 97; media change notification couple with update of the Agent (304); where the “agent 304” is the topology) ; and

when the notification is received, notifying a media engine (FIG. 3:300; where the “CCM 300” is the media engine), wherein:

the media engine is capable of reconfiguring the topology in accordance with the indicated change (FIG. 3:304 and paragraph 69; reconfiguration of the topology/agent for maintaining the state changes) ; and

at least one of the topology or the reconfigured topology have: one media software component located on a computing device (FIG. 2 and FIG.4; CCM 300 installed on the client device); and another media software component located on another computing device (FIG. 2 and FIG. 4; CCM 300 installed in the server) .

11. However, Risan does not explicitly teach streaming media software component located on the computing devices.

12. Whereas, in the same field of endeavor; distributed media system Jenning discloses a system and method for streaming media to computer viewers with streaming media software components in (FIG.1: 102; paragraph 44; streaming system for media).

13. It would be obvious to a person of ordinary skill in the art at the time the invention was made to modify Risan's invention with Jenning's invention to include streaming media software components for delivering streaming media to client computers by small portions. One would be motivated to provide streaming media software components in order to give media owners control of what entities have access to it's streaming services and media product (Jenning's; paragraph 45-47).

14. As to claims 2, 18, 21, Risan teaches, wherein the notification is provided by an operating system (paragraph 78).

15. As to claim 3, Risan teaches, wherein the notification is provided by an application (paragraph 70).

16. As to claim 4, Risan teaches, wherein the notification is provided by one or more said streaming media software components of the topology (FIG. 3, 301-309).

17. As to claim 5, Risan teaches, wherein the change includes at least one of adding or removing one or more said streaming media software components to the topology (paragraph 69, “a media player with or without recording functionalities”). This claimed element meets the claimed limitation of the claim.

18. As to claims 6-8, they are rejected for the same reasons as claim 5 above.

19. As to claim 9, Risan teaches, wherein the topology of streaming media software components include: one or more media sources individual ones of which serving as a source of the streaming media ; one or more transforms communicatively linked with the one or more media sources and configured to handle the streaming media from the one or more media sources; and one or more media sinks configured to sink the streaming media from the one or more transforms (FIG. 5; FIG. 11; paragraph 244-246);.

20. As to claims 10, 24, Risan teaches, registering to receive the notification from an operating system (paragraph 56).

21. As to claims 11, 25, Risan teaches, initializing the reconfigured topology to have an execution state relative to the streaming media that matches an execution state of the topology of when the notification was received (paragraph 69).

Art Unit: 2194

22. As to claims 12, 17, 26 and 37, Risan teaches, wherein each said execution state includes execution characteristics that relate to the streaming media and are selected from the group consisting of: start; pause; stop; fast forward; rewind; slow motion; and position in the streaming media (paragraph 70).

23. As to claims 15, 23, Risan teaches, wherein the plurality of computing devices is communicatively coupled via a network (FIG. 2).

24. As to claim 16, Risan teaches, wherein the at least one of the first or second topology have said software components that are distributed on a plurality of computing devices such that: one said software component is located on a first said computing device; and another said software component is located on a second said computing device (FIG. 2: 210-230; 250, 251; paragraph 91; wherein the CCM is installed in both client and server computers).

25. As to claim 22, it is rejected for the same reasons as claim 5 above.

26. As to claims 28-32 and 34-36, they are rejected for the same reasons as the claims above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdou Karim Seye whose telephone number is 571-270-1062. The examiner can normally be reached on Monday - Friday 8:30 - 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, An Meng can be reached on (571)272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Meng-Ai An/
Supervisory Patent Examiner, Art Unit 2195

/Abdou Karim Seye/
Examiner, Art Unit 2194